

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PETER KIEWIT SONS' INC.
and KIEWIT CORP.,**

Plaintiffs,

VS.

ATSER,

Defendant.

8:08CV541

ORDER

This matter is before the court on the plaintiffs' Motion for Reconsideration ([Filing No. 172](#)). The plaintiffs seek reconsideration of portions of the undersigned magistrate judge's August 25, 2009, Order and Report and Recommendation ([Filing No. 171](#)). Pursuant to [NECivR](#) 60.1(e), the motion will be docketed as an appeal to Judge Laurie Smith Camp. Under the circumstances, the plaintiffs will be allowed additional time to amend the motion, if desired, to modify the issues raised on appeal. Accordingly,

IT IS ORDERED:

1. The Clerk of Court shall modify the docket entry for the plaintiffs' Motion for Reconsideration ([Filing No. 172](#)) in accordance with this order.
2. The plaintiffs shall have to **on or before September 15, 2009**, to amend the Motion for Reconsideration ([Filing No. 172](#)), if desired.
3. The defendant shall have to **on or before September 29, 2009**, to respond to the plaintiffs' appeal of the August 25, 2009, Order and Report and Recommendation ([Filing No. 171](#)).

DATED this 10th day of September, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge